

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAM TRAN,

Plaintiff,

v.

CLARK COUNTY COURT,

Defendant.

CASE NO 3:22-cv-05827-BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation ("R&R"), Dkt. 4, recommending that the court deny pro se Plaintiff Tam Tran's application to proceed in forma pauperis, Dkt. 1, and dismiss the matter without prejudice. Tran has not objected to the R&R.

Judge Fricke concluded that Tran's claims are facially time-barred, as the DUI arrest of which he complains occurred more than 10 years ago, he has not named a "person" as a § 1983 or *Bivens* defendant, and he has otherwise failed to state a plausible claim.

A district judge must determine de novo any part of a magistrate judge's proposed disposition to which a party has properly objected. The district judge may accept, reject,

1 or modify the recommended disposition; receive further evidence; or return the matter to
2 the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection
3 requires specific written objections to the findings and recommendations in the R&R.
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Objections
5 to an R&R are not a vehicle to relitigate the same arguments carefully considered and
6 rejected by the magistrate judge. *See, e.g., Fix v. Hartford Life & Accident Ins. Co.*, CV
7 16-41-M-DLC-JCL, 2017 WL 2721168, at *1 (D. Mont. June 23, 2017) (collecting
8 cases).

9 The Court agrees that Tran has failed to state a plausible claim. The R&R is
10 **ADOPTED** and the matter is **DISMISSED without prejudice**.

11 The Clerk shall enter a JUDGMENT and close the case.

12 **IT IS SO ORDERED.**

13 Dated this 10th day of January, 2023.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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